

Dear Bud,

6/1/74

My last letter concluded with an expression of sorrow, not anger. Nor was my emotion anger when I wrote it, although I expect there is little I can write you to which you will not react in anger. I anticipate also a kind of automatic opposition or resistance in advance of reading whatever I may write.

After Bob's newest insanity, I'm sorry I delayed as long as I did. But the reason is the way I anticipate you'll react. I think it is defensive as well as automatic. And I don't really want to offend you. But what kind of friend would I be if I see an ax being raised and don't cry out?

Well, I'm not insulting you, I'm not giving you hell, so just this once, please stifle the automatic response and the resistance and instead try to think about what I've been trying without success to get you to think about.

First the immediate. We can't do anything about the past except to hope to be able to learn a little from it.

If Jim does what I suggested last night when he told me of your inability to cope with Bob, by the time you get this either Bob will be out of it or we will be. It is not only necessary for us and for Jimmy but it is necessary to protect you and Jim from this kind of worse than stupidity.

If Bob goes, you don't now really need a local lawyer. Experience shows that the problems outweigh the advantages. Besides, none will take the time to learn what he has to know and unless you are more fortunate than you have a right to expect and can get one who is just sincere and willing to fill the limited role the local lawyer serves, he will just mean more problems. When there is a trial an experienced criminal lawyer could be a real asset. But first we have to get to that point. At the rate we're going we won't.

If this doesn't make Jimmy more paranoid I'll be surprised. So, I think it will also be necessary to be pretty direct with him about some matters dealing with other intrusions. We'd best meet this headon and not just think it will go away on its own.

However, if he thinks this through, as I hope he does, he is going to realize that beginning the first time I saw him I started warning him about developments of this nature, not description, and was precisely right on timing.

When he thinks it through he will also be thinking about you. I think you should undertake to explain that you were confronted with a number of problems one of which was Bob and another of which was trying to learn what was behind it. In his interest you felt you had to learn not so much because it seemed probable but because it definitely was a move and one way or another his interest had to be protected. I think it would not hurt to explain further that his own secretiveness on this has created this problem, that his refusal to let his defense know what it really has to know sets it up for almost anything if it is going to sincerely look out for his interest. (I have argued this with him in the past in a different way.) By the way, it is true, not just an argument. He has brought this on all of us and has to realize it somehow. Maybe he will if you recall told him how many times I have tried to explain the need to write "insurance." Tell him he needed it and he is responsible for not having it. And it will happen again and again, as long as he lives. Not harshly or in any way suggesting you don't understand his situation and feelings but firmly, because it is true and it is essential for him to come to understand it.

Why you went along with it as far and as long as you did and without consulting Jim and me? This was stipulated and the alternative was not finding out when finding out what was behind it seemed the most important thing.

Were I motivated by selfish interest I'd have dropped this long ago. I think you should have no trouble understanding this if you will permit yourself. There is and there can be nothing in it for me, there is much other work I want to do, I don't have time to keep my place - even my files - in order, and I really do have a large assortment of other serious and pressing problems. I don't need more headaches, work or problems.

Now please try to think with me for a change when I'm not present. Don't just get mad. You can get mad afterward if you feel like.

Go back to the simple conditions I stipulated and you agreed to when I asked if you'd represent Ray if I could get him to ask it. Please examine each one of those conditions selfishly. Ask yourself is any one of them didn't serve your interest. I think that if you let yourself do this you will see that each one did then and would now. I asked minimal protection of myself and I did not ask for a penny in pay.

If this case goes to trial you really will have earned the credit you will get, particularly because you are not a criminal lawyer.

There is another way you can look backward. Try to count up how much money you have pissed away by not living up to our agreement. I have no way of knowing all of it but from what I do know your pocketbook nerve should twitch strongly. And what do you have to show for it? (This is separate from suggesting what could have been accomplished with that money or less.)

So what I am really saying is that if you had heeded my advice you personally would have been much better off in every way.

(There are other ways on other matters where I believe you need to protect yourself but I'm not about to address them either now or other than with time and care. However, as I believe I have told you, if you doubt that I have been concerned for what could happen to you, as Bill if I didn't raise this with him when you first opened your office.)

By the time you get this, if events runs what seems to be the natural course for them, the dies will have been cast. But whatever happens and despite the fact that I don't want to take time for anything but the work on which I'm now engaged, I think you and Jim and I should take a day and go over this whole thing with great care. You should try to recall every detail, we should think them and the whole situation through, and remember, we know things you don't.

Has it not occurred to you that the one picked out, Bob, is the one who knew least about the case and about the facts?

It would be wrong - and could be fatal - to assume this has no meaning and that nothing will follow. If we succeed, too many are going to be too badly hurt, beginning with Foreman. We had best prepare when and while we can. We have to try to figure out who is behind this and what the next move(s) will be. These are dangerous people with very much at stake.

If you want to do this, the best place is here for a number of reason, one the lower probability of interruption. For the moment Tuesdays only are out and "ondays and Fridays I can make it any time if I know in advance because those days I take Lil to work. Ordinarily, if I don't do the grocery shopping those mornings, I am home by 9:30, earlier if I have noother errands.

Meanwhile I'm going to have to put your cans of gas out of my only shed because I need it for storage. I'll put them as much in the shade as I can.

Don't let this gnaw on you. But please do try to learn from it and from the past. Remember Santayana! and don't relive it.

Sincerely,